

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ALABAMA

AMY LEIGH PRINCE,

Plaintiff,

1:24-cv-00468

v.

BILFINGER INDUSTRIAL SERVICES,
INC.,

Defendant.

NOTICE OF REMOVAL

Defendant, Bilfinger Inc. (“Bilfinger” or “Defendant”), incorrectly named (and misspelled) in the complaint as Billfinger Industrial Services, Inc.,¹ in the state court suit filed by Plaintiff, Amy Leigh Prince, in the Circuit Court of Mobile County, Alabama (the “State Court”), Case No. 02-CV-2024-902939.00, hereby gives notice of its removal of this suit from the State Court to the United States District Court for the Southern District of Alabama. Defendant does so without waiving but reserving all procedural and substantive rights and defenses. Defendant avers to this Court as follows:

1.

On November 12, 2024, Plaintiff filed her suit in the State Court captioned “Amy Leigh Prince v. Billfinger Industrial Services, Inc.,” Case No. 02-CV-2024-902939.00. A copy of the pleadings filed by Plaintiff initiating her suit [Doc. 3 on the State Court docket] (hereinafter, the “Complaint”) is attached hereto as **Exhibit 1**.

¹ Plaintiff was employed by Bilfinger Industrial Services, Inc.’s sister entity, Bilfinger Inc.

SERVICE OF PROCESS

2.

Bilfinger received service of the Complaint on or around November 18, 2024. A copy of the served summons is attached hereto as **Exhibit 2**. A copy of the civil docket sheet for the State Court action entitled “Amy Leigh Prince v. Billfinger Industrial Services, Inc.,” Case No. 02-CV-2024-902939.00, and all documents filed with the State Court, is attached as **Exhibit 3**.

BASIS FOR FEDERAL QUESTION REMOVAL

3.

In her Complaint, Plaintiff alleges sex discrimination, disability discrimination, and retaliation as set forth on her Charge of Discrimination with the Equal Employment Opportunity Commission (“EEOC”). (See Exhibit 1, Doc. 3, at p. 5.)

4.

Federal jurisdiction is based on federal question jurisdiction pursuant to 28 U.S.C. § 1331. The Charge in Plaintiff’s Complaint alleges violations of federal statutes including Title VII of the Civil Rights Act of 1964 (“Title VII”) and the Americans with Disability Act Amendments Act of 2008 (“ADAAA”). (See Exhibit 1, Doc. 3, p. 5.)

5.

This action is removed pursuant to 28 U.S.C. §1441(a), as Plaintiff’s Title VII and ADAAA claims are within the “original jurisdiction” of district courts pursuant to 28 U.S.C. § 1331. Therefore, the requisite federal question for original jurisdiction as required by 28 U.S.C. § 1441(a) is satisfied.

6.

The United States District Court for the Southern District of Alabama is an appropriate

venue for removal pursuant to 28 U.S.C. §1391, §1441(a), and §1446(a).

7.

This action is therefore a civil action over which this Court has original jurisdiction under 28 U.S.C. §1331 and is one which may be removed to this Court by Defendant pursuant to the provisions of 28 U.S.C. §1441(b) in that it is a civil action arising under the laws of the United States.

TIMELY REMOVAL

8.

This Notice of Removal is being filed within the time allowed by 28 U.S.C. §1446(b) because it is filed within thirty (30) days after the receipt by Defendant of papers that provided the basis for removal of this action. (See Exhibit 2.)

PROPERLY FILED REMOVAL

9.

Pursuant to 28 U.S.C. §1446, this Notice of Removal complies with the requirement of 28 U.S.C. §1446(a) concerning a short and plain statement for the grounds of removal, and with 28 U.S.C. §1447(b) concerning the filing of all documents from the State Court action. (See Exhibit 3.)

10.

Pursuant to 28 U.S.C. § 1441(a), this civil action may be removed to this Court because the United States District Court for the Southern District of Alabama is the district embracing the state court where the action is now pending.

11.

Pursuant to 28 U.S.C. §1446(d), a copy of this Notice of Removal is being filed and

served contemporaneously with this Notice of Removal in the State Court. A copy of the Notice to the State Court of Removal is attached hereto as **Exhibit 4**.

12.

WHEREFORE, Defendant gives notice that the action now pending in the Circuit Court of Mobile County, Alabama is hereby removed to the United States District Court for the Southern District of Alabama.

/s/ Cecily L. Kaffer

Cecily L. Kaffer

THE KULLMAN FIRM

Post Office Box 1287

Mobile, Alabama 36633

T: 251-432-1811 | F: 251-433-1230

clk@kullmanlaw.com

and

Rachel E. Linzy (*pro hac vice forthcoming*)

Mina R. Ghantous (*pro hac vice forthcoming*)

THE KULLMAN FIRM

1100 Poydras Street, Suite 1600

New Orleans, Louisiana 70163

T: 504-524-4162 | F: 504-596-4114

rel@kullmanlaw.com

mrg@kullmanlaw.com

COUNSEL FOR DEFENDANT

Bilfinger Inc.

CERTIFICATE OF SERVICE

I certify that on the 16th day of December, 2024, I electronically filed with by using the Court's CM/ECF system, and served Plaintiff via electronic mail and U.S. Mail as follows:

Amy Leigh Prince
P.O. Box 1509
Groves, TX 77619
Amylprince87@gmail.com

/s/ Cecily L. Kaffer
CECILY L. KAFFER